

FIRST REGULAR SESSION

HOUSE BILL NO. 362

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES ROORDA (Sponsor) AND ELLINGER (Co-sponsor).

0259L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 650.350, RSMo, and to enact in lieu thereof one new section relating to the Missouri sheriff methamphetamine relief task force (MoSMART).

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 650.350, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 650.350, to read as follows:

650.350. 1. There is hereby created within the department of public safety the "Missouri Sheriff Methamphetamine Relief Taskforce" (MoSMART). MoSMART shall be composed of five sitting sheriffs **and one active member of the Missouri Deputy Sheriff's Association**. Every two years, the Missouri Sheriffs' Association board of directors will submit twenty names of sitting sheriffs to the governor. The governor shall appoint five members from the list of twenty names, having no more than three from any one political party, to serve a term of two years on MoSMART. **Every two years the Missouri Deputy Sheriff's Association will submit five names of active members of the Missouri Deputy Sheriff's Association to the governor. The governor shall appoint one member from the list of five names to serve a term of two years on MoSMART.** The members shall elect a chair from among their membership. Members shall receive no compensation for the performance of their duties pursuant to this section, but each member shall be reimbursed from the MoSMART fund for actual and necessary expenses incurred in carrying out duties pursuant to this section.

2. MoSMART shall meet no less than twice each calendar year with additional meetings called by the chair upon the request of at least two members. A majority of the appointed members shall constitute a quorum.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 3. A special fund is hereby created in the state treasury to be known as the "MoSMART
18 Fund". The state treasurer shall invest the moneys in such fund in the manner authorized by law.
19 All moneys received for MoSMART from interest, state, and federal moneys shall be deposited
20 to the credit of the fund. The director of the department of public safety shall distribute at least
21 fifty percent but not more than one hundred percent of the fund annually in the form of grants
22 approved by MoSMART.

23 4. Except for money deposited into the deputy sheriff salary supplementation fund
24 created under section 57.278, all moneys appropriated to or received by MoSMART shall be
25 deposited and credited to the MoSMART fund. The department of public safety shall only be
26 reimbursed for actual and necessary expenses for the administration of MoSMART, which shall
27 be no less than one percent and which shall not exceed two percent of all moneys appropriated
28 to the fund, except that the department shall not receive any amount of the money deposited into
29 the deputy sheriff salary supplementation fund for administrative purposes. The provisions of
30 section 33.080 to the contrary notwithstanding, moneys in the MoSMART fund shall not lapse
31 to general revenue at the end of the biennium.

32 5. Any rule or portion of a rule, as that term is defined in section 536.010, that is created
33 under the authority delegated in this section shall become effective only if it complies with and
34 is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section
35 and chapter 536 are nonseverable and if any of the powers vested with the general assembly
36 pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule
37 are subsequently held unconstitutional, then the grant of rulemaking authority and any rule
38 proposed or adopted after August 28, 2003, shall be invalid and void.

39 6. Any county law enforcement entity or established task force with a memorandum of
40 understanding and protocol may apply for grants from the MoSMART fund on an application
41 to be developed by the department of public safety with the approval of MoSMART. All
42 applications shall be evaluated by MoSMART and approved or denied based upon the level of
43 funding designated for methamphetamine enforcement before 1997 and upon current need and
44 circumstances. No applicant shall receive a MoSMART grant in excess of one hundred thousand
45 dollars per year. The department of public safety shall monitor all MoSMART grants.

46 7. MoSMART's anti-methamphetamine funding priorities are as follows:

47 (1) Sheriffs who are participating in coordinated multijurisdictional task forces and have
48 their task forces apply for funding;

49 (2) Sheriffs whose county has been designated HIDTA counties, yet have received no
50 HIDTA or narcotics assistance program funding; and

51 (3) Sheriffs without HIDTA designations or task forces, whose application justifies the
52 need for MoSMART funds to eliminate methamphetamine labs.

53 8. MoSMART shall administer the deputy sheriff salary supplementation fund as
54 provided under section 57.278.